

HOGAN & HARTSON

L L P

ORIGINAL

ARI Q. FITZGERALD
PARTNER
(202) 637-5423
AQFITZGERALD@HHLAW.COM

October 16, 2003

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

RECEIVED

OCT 16 2003

By Hand Delivery

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-B204
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Revision of the Commission's Rules to Ensure Compatibility
with Enhanced 911 Calling Systems
CC Docket No. 94-102
Ex Parte Communication**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I am writing on behalf of Mercedes-Benz USA, LLC ("MBUSA") and ATX Technologies, Inc. ("ATX") to notify you of a meeting held at the Commission on October 14, 2003 to discuss issues raised in the above-referenced proceeding.¹ Commission staff who participated in the meetings include John Muleta, Chief of the Commission's Wireless Bureau; Cathy Seidel, Deputy Chief of the Commission's Wireless Bureau; Jared Carlson, Deputy Chief of the Wireless Bureau's Policy Division; David Siehl, Attorney Advisor, the Wireless Bureau's Policy Division and Greg Guice, Attorney Advisor, the Wireless Bureau's Policy Division. The non-Commission participants in the meeting include Daniel Selke, MBUSA; Sascha Simon, MBUSA; Geoffrey Smith, MBUSA; John Logan, Counsel to ATX, and the undersigned of Hogan & Hartson L.L.P.

¹ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Further Notice of Proposed Rulemaking*, FCC 02-326 (rel. Dec. 20, 2002) ("*Further Notice*").

Ms. Marlene H. Dortch
October 16, 2003
Page 2

In the meeting, the representatives of MBUSA and ATX urged the Commission to quickly establish that "call center-based" telematics services (*i.e.*, those telematics services that rely on call centers and that do not allow users to communicate directly with others via the PSTN) should not be subject to the Commission's E911 rules, based on the four-pronged test the Commission put forward in the *Further Notice* regarding possible expansion of the coverage of its E911 rules,² and discussed the comments and reply comments submitted by MBUSA and ATX in response to the *Further Notice*. In addition, John Logan distributed the attached letter, dated July 10, 2003, from Vincent R. Stile, President of the Association of Public-Safety Communications Officials International, Inc., to the Honorable James M. Inhofe, Chairman, U.S. Senate Environment and Public Works Committee.

An original and one copy of this letter are submitted for inclusion in the proceeding record

Respectfully submitted,



Ari Q. Fitzgerald
Counsel for Mercedes-Benz USA, LLC

cc: Mr. John Muleta
Ms. Cathy Seidel
Mr. Jared Carlson
Mr. David Siehl
Mr. Greg Guice

² MBUSA and ATX noted that: (1) Tele Aid, the telematics service offered by MBUSA in partnership with ATX, is not an interconnected service that permits subscribers to communicate with all other users on the PSTN; (2) Tele Aid subscribers do not have a reasonable expectation of access to 911/E911 services; (3) Tele Aid does not compete against traditional CMRS and (4) it is not currently operationally feasible for Tele Aid to support E911



APCO International

ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL, INC.

7/10/03

The Honorable James M. Inhofe, Chairman
Senate Environment and Public Works Committee
453 RSOB
Washington, DC 20510

Dear Senator Inhofe:

I am writing to express APCO's concern with proposed language in the "TEA-3" legislation regarding "emergency care and trauma call centers."

APCO is the nation's oldest and largest public safety communications organization. Most of its over 16,000 members are state or local government employees who manage and operate communications systems, including Public Safety Answering Points (PSAPs), for police, fire, EMS and other public safety agencies. APCO has been a vigorous advocate of E9-1-1 and other procedures to enhance the rapid collection and dissemination of emergency response communications.

We understand that draft language in the proposed legislation would require that any emergency care and trauma call center that "receives and processes calls relating to an automatic crash notification (ACN) event shall be immediately capable of routing the calls via the 9-1-1 network to the public safety answering point (PSAP) serving the location of the vehicle involved in the emergency."

Our concern is that this or similar language could be construed as a *federal requirement* that there be a *direct connection* of ACN information to PSAPs. APCO believes that such a federal requirement is neither necessary nor appropriate at this time. Rather, the public safety community and the telematics industry need to proceed collaboratively and voluntarily to develop appropriate standards and procedures for the gathering and dissemination of ACN and other information from telematics call centers to public safety communications centers. Congress and the FCC should allow the public safety community and the telematics industry to proceed along those lines, rather than imposing a national solution that could be ineffective or, worse, counterproductive. For example, mandatory direct connection of ACN information to PSAPs at this stage could impose dangerous strains on PSAP infrastructure, equipment, personnel, and resources, which are already stretched thin in many instances by wireless E9-1-1 deployment and local government budget cuts.

Please contact me should you or other members of your Committee require additional information at this time.

Sincerely,

Vincent R. Stile, President

cc: All Committee Members

APCO INTERNATIONAL
331 N. WILLIAMSON BOULEVARD
DAYTONA BEACH, FL 32114-1112
(386) 322-2500

1725 DESALES STREET NW
SUITE 808
WASHINGTON, D.C. 20036
(202) 835-2700

www.apco911.org

BOARD OF OFFICERS

ACTING PRESIDENT
Vincent R. Stile
Suffolk County Police
Communications Bureau
30 Yaphank Avenue
Yaphank, NY 11980
(631) 852-6431
president@apco911.org

ACTING PRESIDENT-ELECT
Gregory S. Ballentine
Mid-America Regional Council
600 Broadway, Suite 600
Kansas City, MO 64105-1554
(816) 474-4240
pres-elect@apco911.org

ACTING 1ST VICE PRESIDENT
Diana Borash
Allina Health System
167 Grand Avenue
St. Paul, MN 55102
(651) 228-8405
first-vp@apco911.org

INTERNATIONAL V. PRESIDENT
Kenneth Mori
BAPCO
PO Box 379 Lincoln LN1 1FY
United Kingdom
+44 1522 575542
kco@bapco.org.uk